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09/814,261	03/21/2001	Norbert Marocco	625.0006USQ	5581

7590

03/17/2004

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/814,261

**Applicant(s)**MAROCCO, NORBERT *cn***Examiner**

Jason Prone

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's elections without traverse of Group A in Paper No. 6 and with traverse of Group I in Paper No. 8 are acknowledged.
2. Claims 8 and 10-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6 and **with** traverse in Paper No. 8.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 11 line 10, item "76". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: On page 9 line 24, the phrase "drive shaft 36" should be replaced with "drive shaft 38". On page 10 line 4, the phrase "drive pin 42" should be replaced with "drive cam 42".

Appropriate correction is required.

### ***Claim Objections***

5. Claims 1, 4, and 5 are objected to because of the following informalities: On line 3 of the sixth paragraph of claim 1 and line 4 of claim 5, the phrase "head rail" should be replaced with "headrail". On line 4 on claim 4, the phrase "holder plate" should be replaced with "holding plate". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In regards to claim 2, the phrase "headrail defines a transverse axis and in which said headrail opening in said holding plate is located and oriented so as to position said transverse axis of the head rail diagonal to a longitudinal axis of said holding plate" is unclear. It is assumed that the transverse axis is along the length of the headrail. When the headrail is to be cut, the transverse axis is substantially perpendicular to the longitudinal axis of the holding plate so the headrail slides through both openings. It is uncertain, if the transverse axis is diagonal to the longitudinal axis, how the headrail can be fed into the headrail opening when the headrail is not being directly fed into the headrail opening.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Pluber.

Pluber discloses the invention including a headrail holding plate (48) having a headrail opening for receiving the headrail therethrough (26), a cutting die for the head rail adapted to receive the headrail (50) and being movable relative to the holding plate for cutting one end of the head rail (Figs. 5B and 5C), a blind holder (48) having a blind material opening for receiving the vertical blind materials (28), a blind cutting device (52) moveable relative to the blind holder for cutting the vertical blind material extending through the blind holder (Figs. 5A and 5B), a movement transmission device for moving the cutting die and for moving the blind cutting device whereby both the vertical blind material and the headrail are cut (55), a base plate (4), a lower guide channel fixed to the base plate (20), that the headrail holding plate and the blind holder are secured to the lower guide channel (Fig. 1), an upper guide channel secured to an upper side of the holding plate (20), that the blind cutting device is slidably received in the lower and upper guide channels (Fig. 1), that the headrail cutting die is slidably received in the lower and upper guide channels (Fig. 1), and that the cutting device and the cutting die slide in a common plane (Figs. 5A-5C) and are separate from one another (Fig. 2).

11. It is to be noted that claims 2-4 have not been rejected over prior art. They may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

***Allowable Subject Matter***

12. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liu, Marocco ('134), Daniels et al., Marocco ('857), Marocco ('099), Hsu, Graves et al., Sudano, Marocco ('388), and Huang.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

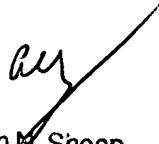
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JP  
March 8, 2004

A handwritten signature, possibly reading 'Allan M. Shoap', consisting of a stylized 'A' and 'S'.

Allan M. Shoap  
Supervisory Patent Examiner  
Group 3700